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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MAMMEN, NATHAN SCOTT

ART UNIT PAPER NUMBER

3671

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,955

Applicant(s)

ARORA ET AL.

Examiner

Nathan S Mammen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-13,18-28,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-13,18-28,30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: There are blanks in the specification for related application information. The blanks must be either filled in or deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 7-11, 13, 18-21, 23-26, 28, 30, 31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,735,568 to Buckwalter et al.

The Buckwalter '568 patent discloses a method for matching user preferences with item characteristics. The method comprises accepting signals from the user interface to allow a first user (col. 13, line 63 – “candidate”) to specify preferences in the form of attributes and weights (col. 5, lines 34-46), the weight associated with the corresponding attribute indicating a level of preference for that attribute. The method comprises accepting signals from the user interface to allow a second user (col. 13, line 61 – “user”) to specify item characteristics in the form of attributes and weights (col. 5, lines 34-46). In other words, the method of the Buckwalter '568

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patent operates by having the first user (i.e., "candidates") specify attributes and weights and be already in the system by the time the second user begins using the system. The method further comprises adjusting one or more of the weights of the corresponding attributes associated with the preferences or item characteristics based on market conditions (col. 6, lines 21-28, and lines 59-61). A processor then identifies one or more matches by using weighted comparisons (col. 14, line 35 – col. 15, line 24).

Regarding claims 2-4, 7-11, 13, 18-21, 23-26: The method utilizes a continuous (based on the attributes of col. 5, lines 34-46) or discontinuous (col. 12, lines 49-51) comparison. The method comprises selecting one (col. 8, lines 14-15 – linear regression) of a plurality of functions to be used with the weighted comparison. The method further comprises identifying matches from the weighted comparison and indicating the matches from strong to weak, and those with the highest profit (i.e., success) margin (col. 10, line 46 – col. 11, line 14). The method identifies one or more matches to a user (col. 11, line 9). The method further comprises initiating a transaction based on one or more matches (col. 11, line 44-51). An attribute has a multiple selections per attribute (col. 5, lines 40-43). The items are services (relationships). One attribute is a time attribute (col. 6, line 13 – age) representing the time at which an event occurs (a birthday). This attribute inherently has a range of values (both in terms of years and/or in terms of date on the calendar). The method further comprises a location attribute (col. 6, line 13 – location). The attributes can be continuous. Attributes can represent size and weight (col. 6, line 13 – height and weight). The first value associated with a first attribute is transformed into a second value associated with a first attribute (col. 6, line 62 – col. 7, line 20). The

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attributes selected by the first and second users include predefined attributes (col. 5, lines 34-46) and attributes a user selects on an ad hoc basis (col. 12, lines 48-49).

Regarding claims 28, 30-31: After the users specify attributes and weights, the method comprises substituting other attributes (col. 6, lines 62- col. 7, line 20 – factor analysis) for those selected attributes. The matching operation is performed on these substituted attributes.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,735,568 to Buckwalter et al in view of U.S. Patent No. 6,012,053 to Pant et al.

The Buckwalter '568 patent discloses the claimed invention, as stated in paragraph 3 above, except for the plurality of functions including a non-linear function. The Pant '053 patent teaches that it is known in the art of matching queries on a computer system to use linear and non-linear functions (col. 9, lines 25-28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method for matching user preferences disclosed by the Buckwalter '568 patent with the non-linear function taught by the Pant '053 patent, in order to provide a broader capability of weighing and comparing attributes.

6. Claims 2, 3, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,735,568 to Buckwalter et al.

The Buckwalter '568 patent discloses the claimed invention, as stated in paragraph 3 above. While the Buckwalter '568 patent is explicitly disclosed as being used in a matchmaking services, the method is further disclosed as being applicable to other matching purposes. Thus, it would be obvious to utilize the method disclosed in the Buckwalter '568 patent to select goods.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,735,568 to Buckwalter et al. in view of U.S. Patent No. 6,272,467 to Durand et al., cited in previous office action.

Regarding claim 22: The Buckwalter '568 patent discloses the claimed invention, as stated in paragraph 3 above, except for one attribute being education. The Durand '467 patent teaches that it is known to include education as an attribute for an item selection (see Fig. 7, Table 3A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of the Buckwalter '568 patent with education as an attribute as taught by the Durand '467 patent, in order to provide further attributes for a refined item selection.

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,735,568 to Buckwalter et al.

The Buckwalter '568 patent discloses the claimed invention, as stated in paragraph 3 above, except for the use of epsilon complementary slackness to identify matches. In the previous office action, the examiner took OFFICIAL NOTICE of the equivalence of epsilon complementary slackness with other weighting factors for their use in the art of value weighting. Applicant has not seasonably traversed the taking of OFFICIAL NOTICE (see paragraph 6, below), therefore the statement of the OFFICIAL NOTICE is taken as admitted prior art and it

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would be obvious to provide the method of the Buckwalter '568 patent with the use of epsilon complementary slackness.

Response to Arguments

9. Applicant's arguments with respect to claims 1-13, 18-28, 30, 31 have been considered but are moot in view of the new ground(s) of rejection.

With regards to Claim 27, in the first office action the examiner took OFFICIAL NOTICE of the equivalence of epsilon complementary slackness with other weighting factors. To prevent this official notice from being taken as admitted prior art, Applicant is required to seasonably traverse the well known statement, which means that Applicant is required to rebut the well known statement in the next reply after the office action in which the statement was made. In his reply to the first office action, Applicant did not traverse the OFFICIAL NOTICE. Therefore, the statement of the OFFICIAL NOTICE is taken as admitted prior art. MPEP §2144.03

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,728,706 to Aggarwal et al. discloses a method for searching product catalogs in which a shopper enters attributes of a desired product and the items in the catalog are defined by their attributes. See Abstract. U.S. Patent No. 6,738,759 to Wheeler et al. discloses a method for performing similarity searches of documents in a database. See Abstract.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

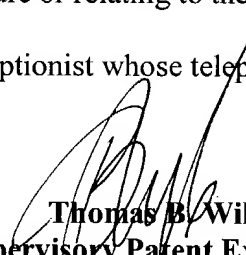
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
7/12/04

Nathan S. Mammen